

§ 144.24

40 CFR Ch. I (7–1–04 Edition)

the same formation from which it was drawn are authorized by rule for the life of the well if such subsurface emplacement of fluids is approved by EPA, or a State, pursuant to provisions for cleanup of releases under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601–9675, or pursuant to requirements and provisions under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992k.

[49 FR 20181, May 11, 1984, as amended at 60 FR 33932, June 29, 1995; 64 FR 68566, Dec. 7, 1999]

§ 144.24 Class V wells.

(a) A Class V injection well is authorized by rule, subject to the conditions in § 144.84

(b) *Duration of well authorization by rule.* Well authorization under this section expires upon the effective date of a permit issued pursuant to §§ 144.25, 144.31, 144.33 or 144.34, or upon proper closure of the well.

(c) *Prohibition of injection.* An owner or operator of a well which is authorized by rule pursuant to this section is prohibited from injecting into the well:

(1) Upon the effective date of an applicable permit denial;

(2) Upon failure to submit a permit application in a timely manner pursuant to §§ 144.25 or 144.31;

(3) Upon failure to submit inventory information in a timely manner pursuant to § 144.26; or

(4) Upon failure to comply with a request for information in a timely manner pursuant to § 144.27.

[58 FR 63896, Dec. 3, 1993, as amended at 64 FR 68566, Dec. 7, 1999]

§ 144.25 Requiring a permit.

(a) The Director may require the owner or operator of any Class I, II, III or V injection well which is authorized by rule under this subpart to apply for and obtain an individual or area UIC permit. Cases where individual or area UIC permits may be required include:

(1) The injection well is not in compliance with any requirement of the rule;

NOTE: Any underground injection which violates any authorization by rule is subject to appropriate enforcement action.

(2) The injection well is not or no longer is within the category of wells and types of well operations authorized in the rule;

(3) The protection of USDWs requires that the injection operation be regulated by requirements, such as for corrective action, monitoring and reporting, or operation, which are not contained in the rule.

(4) When the injection well is a Class I, II (except existing enhanced recovery and hydrocarbon storage) or III well, in accordance with a schedule established by the Director pursuant to § 144.31(c).

(b) For EPA-administered programs, the Regional Administrator may require an owner or operator of any well which is authorized by rule under this subpart to apply for an individual or area UIC permit under this paragraph only if the owner or operator has been notified in writing that a permit application is required. The owner or operator of a well which is authorized by rule under this subpart is prohibited from injecting into the well upon the effective date of permit denial, or upon failure by the owner or operator to submit an application in a timely manner as specified in the notice. The notice shall include: a brief statement of the reasons for requiring a permit; an application form; a statement setting a time for the owner or operator to file the application; and a statement of the consequences of denial or issuance of the permit, or failure to submit an application, as described in this paragraph.

(c) An owner or operator of a well authorized by rule may request to be excluded from the coverage of this subpart by applying for an individual or area UIC permit. The owner or operator shall submit an application under § 144.31 with reasons supporting the request, to the Director. The Director may grant any such requests.

[48 FR 14189, Apr. 1, 1983, as amended at 49 FR 20182, May 11, 1984; 58 FR 63896, Dec. 3, 1993]

§ 144.26 Inventory requirements.

The owner or operator of an injection well which is authorized by rule under this subpart shall submit inventory information to the Director. Such an owner or operator is prohibited from

Environmental Protection Agency

§ 144.27

injecting into the well upon failure to submit inventory information for the well within the time frame specified in paragraph (d) of this section.

(a) *Contents.* As part of the inventory, the Director shall require and the owner/operator shall provide at least the following information:

- (1) Facility name and location;
- (2) Name and address of legal contact;
- (3) Ownership of facility;
- (4) Nature and type of injection wells; and
- (5) Operating status of injection wells.

NOTE: This information is requested on national form "Inventory of Injection Wells," OMB No. 158-R0170.

(b) *Additional contents.* For EPA administered programs only, the owner or operator of a well listed in paragraph (b)(1) of this section shall provide the information listed in paragraph (b)(2) of this section.

(1) This section applies to the following wells:

- (i) Class II enhanced recovery wells;
- (ii) Class IV wells;
- (iii) The following Class V wells:
 - (A) Sand or other backfill wells [§146.5(e)(8)];
 - (B) Radioactive waste disposal wells that are not Class I wells (40 CFR 146.5(e)(11));
 - (C) Geothermal energy recovery wells [§146.5(e)(12)];
 - (D) Brine return flow wells [§146.5(e)(14)];
 - (E) Wells used in experimental technologies [§146.5(e)(15)];
 - (F) Municipal and industrial disposal wells other than Class I; and
 - (G) Any other Class V wells at the discretion of the Regional Administrator.

(2) The owner or operator of a well listed in paragraph (b)(1) shall provide a listing of all wells owned or operated setting forth the following information for each well. (A single description of wells at a single facility with substantially the same characteristics is acceptable).

- (i) For Class II only, the field name(s);
- (ii) Location of each well or project given by Township, Range, Section, and Quarter-Section, or by latitude and

longitude to the nearest second, according to the conventional practice in the State;

- (iii) Date of completion of each well;
- (iv) Identification and depth of the formation(s) into which each well is injecting;
- (v) Total depth of each well;
- (vi) Casing and cementing record, tubing size, and depth of packer;
- (vii) Nature of the injected fluids;
- (viii) Average and maximum injection pressure at the wellhead;
- (ix) Average and maximum injection rate; and
- (x) Date of the last mechanical integrity test, if any.

(c) *Notice.* Upon approval of the UIC Program in a State, the Director shall notify owners or operators of injection wells of their duty to submit inventory information. The method of notification selected by the Director must assure that the owners or operators will be made aware of the inventory requirement.

(d) *Deadlines.* (1) The owner or operator of an injection well shall submit inventory information no later than one year after the date of approval or effective date of the UIC program for the State. The Director need not require inventory information from any facility with interim status under RCRA.

(2) For EPA administered programs the information need not be submitted if a complete permit application is submitted within one year of the effective date of the UIC program. The owner or operator of Class IV well shall submit inventory information no later than 60 days after the effective date of the program.

[48 FR 14189, Apr. 1, 1983, as amended at 49 FR 20182, May 11, 1984; 58 FR 63896, Dec. 3, 1993; 64 FR 68566, Dec. 7, 1999; 67 FR 39593, June 7, 2002]

§ 144.27 Requiring other information.

(a) For EPA administered programs only, in addition to the inventory requirements of §144.26, the Regional Administrator may require the owner or operator of any well authorized by rule under this subpart to submit information as deemed necessary by the Regional Administrator to determine whether a well may be endangering an